

Message Text

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TOSEC 223

E.O. 11652: N/A

TAGS:PFOR, US, SA, OVIP (KISSINGER, HENRY A.)

SUBJECT: DRAFT STATEMENT AND QUESTIONS/ANSWERS FOR BOYCOTT
HEARING

FOR ATHERTON FROM SOBER

1. REPS OF STATE, TREASURY, JUSTICE AND COMMERCE HAVE BEEN
REQUESTED TO APPEAR AFTERNOON MARCH 13 BEFORE NEW (BINGHAM)
HFAC SUBCOMMITTEE ON INTERNATIONAL TRADE AND COMMERCE.
HEARINGS BEGAN MARCH 6 WITH STATEMENT BY CONGRESSMAN WAXMAN
SHARPLY CRITICAL OF SAUDI POLICY ON ADMITTING JEWS AND OF
PERSONNEL ASSIGNMENT POLICY OF DEPT OF STATE. WAXMAN
ALLUDED TO EVIDENCE THAT USG AGENCIES AND AMERICAN FIRMS
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HAVE BEEN ACTIVELY AIDING SAUDIS IN ACHIEVING THEIR ANTI-
JEWISH GOALS. HE REFERRED TO HAL SAUNDERS' TESTIMONY
BEFORE CHURCH SUBCOMMITTEE AND SAID HE DID NOT BELIEVE
"QUITE DIPLOMACY AND PERSUASION" WILL BRING ARABS TO END

THE BOYCOTT OR FAISAL TO ALTER ANTI-JEWISH VISA POLICY.

2. I WILL BE MEETING MARCH 10 WITH DIRECTOR GENERAL'S OFFICE TO DISCUSS PERSONNEL ASSIGNMENT POLICY AGAINST CONTINGENCY THAT QUESTIONS THIS SUBJECT WILL BE RAISED. WE ARE ALSO CONTINUING OUR RESEARCH ON SOME OTHER MATTERS. I EXPECT TO HAVE SOME FURTHER DRAFT QUESTIONS/ANSWERS TO

SEND YOU WITHIN NEXT COUPLE OF DAYS. MEANWHILE I WOULD APPRECIATE YOUR COMMENT ON FOLLOWING DRAFT STATEMENT AND QUESTIONS/ANSWERS.

3. DRAFT STATEMENT FOLLOWS. BEGIN QUOTE: I AM PLEASED TO HAVE THE OPPORTUNITY TO APPEAR BEFORE THIS SUBCOMMITTEE TO DISCUSS WITH YOU THE POLICY OF THE DEPARTMENT OF STATE TOWARD THE ARAB BOYCOTT OF ISRAEL AND ACTIONS BY THE DEPARTMENT IN CONNECTION WITH THE BOYCOTT.

LET ME BEGIN BY PUTTING THE BOYCOTT IN ITS MIDDLE EAST CONTEXT.

THE ARAB BOYCOTT OF ISRAEL IS ONE MANIFESTATION OF THE BASIC ARAB-ISRAEL CONFLICT AND THUS ARISES FROM DEEP-SEATED POLITICAL AND EMOTIONAL FACTORS. THE INITIAL BOYCOTT ORGANIZATION, WHICH WAS SET UP AS A COMMITTEE OF THE ARAB LEAGUE COUNCIL AT THE BEGINNING OF 1946, APPLIED A PRIMARY BOYCOTT TO PREVENT THE ENTRY OF CERTAIN PRODUCTS INTO ARAB COUNTRIES FROM WHAT IS NOW THE STATE OF ISRAEL. THE SECONDARY BOYCOTT, DESIGNED TO INHIBIT THIRD PARTIES FROM ASSISTING IN ISRAEL'S DEVELOPMENT, WAS INTRODUCED IN 1951, AND IT IS THIS SECONDARY BOYCOTT THAT AFFECTS AMERICAN ECONOMIC RELATIONS WITH A NUMBER OF MIDDLE EAST COUNTRIES.

THE SCOPE OF THE BOYCOTT HAS BEEN BROADENED THROUGH THE YEARS, AND IT APPLIES TO A VARIETY OF ACTIVITIES WHICH ARE SEEN BY THE ARAB COUNTRIES AS CONSTITUTING A SPECIAL LIMITED OFFICIAL USE
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ECONOMIC RELATIONSHIP WITH ISRAEL. AN EXTENSION OF THE BOYCOTT HAS INVOLVED THE BLACKLISTING OF FOREIGN ACTORS, ARTISTS AND OTHER ENTERTAINMENT FIGURES (AND THEIR FILMS OR RECORDINGS) JUDGED TO HAVE AIDED ISRAEL, SUCH AS THROUGH FUND-RAISING. IT IS OUR UNDERSTANDING THAT, GENERALLY SPEAKING, THE ACT OF TRADING WITH ISRAEL -- AS SUCH -- DOES NOT VIOLATE ANY OF THE REGULATIONS OF THE BOYCOTT ORGANIZATION AND DOES NOT OF ITSELF BRING THE BOYCOTT INTO EFFECT. HOWEVER, THE ARAB COUNTRIES THEMSELVES RESERVE THE POWER TO INTERPRET THE BOYCOTT REGULATIONS AND DECISIONS. SOME APPLY THEM MORE RIGOROUSLY THAN OTHERS.

IT IS IMPOSSIBLE TO DETERMINE HOW MUCH THE BOYCOTT HAS ACTUALLY HARMED ISRAEL UP TO NOW. ISRAEL'S ECONOMY HAS BEEN GROWING AT THE RATE OF ABOUT 10 PERCENT ANNUALLY. THROUGH THE YEARS, NEVERTHELESS, THE BOYCOTT HAS APPARENTLY BEEN SEEN BY THE ARAB COUNTRIES AS SERVING AT LEAST SOME SYMBOLIC PURPOSES, AND IT HAS BEEN A PARTICULAR IRRITANT TO US-ARAB RELATIONS.

WE DO RECOGNIZE THAT THE RAPIDLY INCREASING ECONOMIC STRENGTH OF CERTAIN ARAB COUNTRIES HAS ENHANCED THE ARAB BOYCOTT AS A POTENTIALLY EFFECTIVE WEAPON AGAINST ISRAEL. THERE IS A LIKELIHOOD THAT THE GROWING ATTRACTIVENESS OF COMMERCE WITH THE ARAB COUNTRIES WILL PLACE GREATER PRESSURE ON SOME FOREIGN FIRMS NOT TO DEAL WITH ISRAEL BECAUSE OF THE BOYCOTT.

NOW I WANT TO COME TO THE POSITION OF THE US WITH REGARD TO THE BOYCOTT. AS STATED ON NUMEROUS OCCASIONS, OUR POSITION IS CLEAR AND IT CAN BE SUMMARIZED AS FOLLOWS:

THE UNITED STATES OPPOSES THE BOYCOTT. WE DO NOT SUPPORT OR CONDONE IT IN ANY WAY, PARTICULARLY INsofar AS IT ADVERSELY AFFECTS UNITED STATES FIRMS, VESSELS AND INDIVIDUALS. THE DEPARTMENT HAS EMPHASIZED OUR OPPOSITION TO THE BOYCOTT TO THE ARAB GOVERNMENTS ON MANY OCCASIONS. WHERE THE COMMERCIAL INTERESTS OF AMERICAN FIRMS OR INDIVIDUALS HAVE BEEN INJURED OR THREATENED WITH INJURY, WE HAVE MADE REPRESENTATIONS TO APPROPRIATE ARAB OFFICIALS.

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CONSISTENT WITH OUR POLICY OF OPPOSITION TO THE BOYCOTT, AS REFLECTED IN THE EXPORT ADMINISTRATION ACT OF 1969, THE DEPARTMENT OF STATE HAS REFUSED HUNDREDS OF REQUESTS FROM US COMPANIES FOR AUTHENTICATION OF DOCUMENTS RELATING TO THE BOYCOTT, AS BEING CONTRARY TO PUBLIC POLICY.

A NUMBER OF AMERICAN FIRMS WITH BOYCOTT PROBLEMS HAVE CONSULTED WITH DEPARTMENT OFFICIALS. THESE FIRMS HAVE BEEN (A) REMINDED OF THEIR REPORTING RESPONSIBILITIES UNDER THE EXPORT ADMINISTRATION ACT AND (B) ENCOURAGED AND REQUESTED TO REFUSE TO TAKE ANY ACTION IN SUPPORT OF RESTRICTIVE TRADE PRACTICES OR BOYCOTTS.

A FUNDAMENTAL FACTOR WHICH HAS TO BE FACED IS THAT ARAB GOVERNMENTS REGARD THE BOYCOTT AS AN IMPORTANT ELEMENT IN THEIR POSITION TOWARD ISRAEL, AND ONE OF THE BASIC ISSUES OF THE ARAB-ISRAELI CONFLICT TO BE DEALT WITH AS PROGRESS IS MADE TOWARD RESOLVING THAT CONFLICT. INDEED, THIS IS ONE OF THE ISSUES WHICH WE HAVE VERY MUCH IN MIND AS WE CONTINUE OUR DIPLOMATIC EFFORTS TO HELP THE PARTIES ACHIEVE

A JUST AND LASTING PEACE. THE PROBLEM HAS BEEN HOW TO CHANGE EFFECTIVELY THE UNDERLYING CONDITIONS WHICH LED TO IMPOSITION OF THE BOYCOTT. WE BELIEVE WE CAN BEST SERVE THIS OBJECTIVE NOT THROUGH CONFRONTATION BUT BY CONTINUING TO PROMOTE WITH THE PARTIES DIRECTLY CONCERNED A PEACEFUL SETTLEMENT OF BASIC MIDDLE EAST ISSUES. WE BELIEVE THAT OUR PRESENT DIPLOMATIC APPROACH IS THE MOST EFFECTIVE WAY TO PROCEED.

THOUGH THE BOYCOTT EMERGED FROM THE POLITICAL PROBLEMS OF THE ARAB-ISRAELI CONFLICT, WE ARE ALSO CONCERNED THAT IT COULD BE USED FOR DISCRIMINATION ON OUTRIGHT RELIGIOUS GROUNDS. ON THIS SUBJECT PRESIDENT FORD HAS RECENTLY SAID:
BEGIN INNER QUOTE:

THERE HAVE BEEN REPORTS IN RECENT WEEKS OF ATTEMPTS IN THE INTERNATIONAL BANKING COMMUNITY TO DISCRIMINATE AGAINST CERTAIN INSTITUTIONS OR INDIVIDUALS ON RELIGIOUS OR ETHNIC GROUNDS.

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THERE SHOULD BE NO DOUBT ABOUT THE POSITION OF THIS ADMINISTRATION AND THE UNITED STATES. SUCH DISCRIMINATION IS TOTALLY CONTRARY TO THE AMERICAN TRADITION AND REPUGNANT TO AMERICAN PRINCIPLES. IT HAS NO PLACE IN THE FREE PRACTICE OF COMMERCE AS IT HAS FLOURISHED IN THIS COUNTRY.

FOREIGN BUSINESSMEN AND INVESTORS ARE MOST WELCOME IN THE UNITED STATES WHEN THEY ARE WILLING TO CONFORM TO THE PRINCIPLES OF OUR SOCIETY. HOWEVER, ANY ALLEGATIONS OF DISCRIMINATION WILL BE FULLY INVESTIGATED AND APPROPRIATE ACTION TAKEN UNDER THE LAWS OF THE UNITED STATES. END INNER QUOTE.

IN SUMMING UP, I WANT TO REEMPHASIZE

--THAT WE OPPOSE THE BOYCOTT AND WILL CONTINUE TO MAKE OUR OPPOSITION TO IT KNOWN TO THE COUNTRIES WHICH APPLY IT, AND

--THAT WE WILL CONTINUE TO OPPOSE ANY EFFORTS TO DISCRIMINATE AGAINST AMERICAN FIRMS OR INDIVIDUALS ON THE BASIS OF RELIGION OR ETHNIC BACKGROUND.

AT THE SAME TIME, WE WILL CONTINUE TO DO OUR UTMOST TO HELP THE COUNTRIES IN THE MIDDLE EAST TO FIND A BASIS FOR RESOLVING THE ARAB-ISRAELI DISPUTE AND TO ARRIVE AT A JUST AND DURABLE PEACE. IT IS OUR CONVICTION THAT IN THE ATTAINMENT OF PEACE LIES THE FUNDAMENTAL BASIS FOR THE

RESOLUTION OF THE BOYCOTT ISSUE, AMONG OTHERS, WHICH WE ARE DISCUSSING TODAY. END QUOTE.

4. DRAFT QUESTIONS/ANSWERS FOLLOW. BEGIN QUOTE

A. QUESTION: ARE US GOVERNMENT AGENCIES OPERATING IN ARAB COUNTRIES FORBIDDEN TO IMPORT ITEMS FOR THEIR OWN USE WHICH ARE PRODUCTS OF COMPANIES ON THE ARAB BOYCOTT LIST?

FOR EXAMPLE, CAN THE EMBASSY IN JIDDA BRING IN A FORD CAR OWNED BY AN EMBASSY OFFICER OR FOR EMBASSY USE?
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ANSWER: US OFFICIAL PERSONNEL STATIONED IN FOREIGN COUNTRIES ARE EXPECTED, AS ARE FOREIGN OFFICIALS STATIONED IN THE US, TO OBEY THE LAWS AND CUSTOMS OF THE HOST COUNTRY. ARTICLES VISIBLY MANUFACTURED BY A COMPANY ON THE BOYCOTT LIST ARE NOT PERMITTED ENTRY BY THE SAUDIS. THE SAUDI PRACTICE IS NOT TO PERMIT THE IMPORTATION OF A FORD PRODUCT FOR A US OFFICIAL OR FOR AN EMBASSY IN JIDDA.

B. QUESTION: IF THE EMBASSY DOESN'T BRING IN A FORD CAR, AREN'T WE ACQUIESCING IN THE BOYCOTT?

ANSWER: THE QUESTION, IN MY VIEW, IS WHETHER WE SHOULD CONFORM WITH LOCAL LAWS AND REGULATIONS. NOT TO DO SO IN ACCORDANCE WITH LONG ESTABLISHED INTERNATIONAL PRACTICE, WOULD SERIOUSLY HAMPER A LARGER POLITICAL PURPOSE -- IN THIS CASE THE MAINTENANCE OF CORDIAL RELATIONS WITH A COUNTRY WHICH IS A VERY IMPORTANT FIGURE BOTH IN THE MIDDLE EAST PEACE NEGOTIATIONS AND IN THE INTERNATIONAL ENERGY PICTURE. OUR CONFORMITY WITH LOCAL RULES DOES NOT DIMINISH OUR CLEAR STANCE AGAINST THE BOYCOTT.

IN THIS CASE, WE THINK WE HAVE ESTABLISHED A NECESSARY BALANCE: WE HAVE MADE IT CLEAR TO THE SAUDIS THAT WE OPPOSE THE BOYCOTT AS A WEAPON IN THE ARABS' STRUGGLE WITH ISRAEL; BUT WE HAVE AT THE SAME TIME MAINTAINED OUR RELATIONS WITH THE SAUDIS, INCLUDING OUR EMBASSY IN THAT COUNTRY, AND IN ACCORDANCE WITH US GOVERNMENT REGULATIONS THE PERSONNEL ASSIGNED TO THAT EMBASSY ARE EXPECTED TO OBEY THE LOCAL LAWS AND REGULATIONS AS THEY WOULD IN ANY OTHER COUNTRY.

C. QUESTION: WHAT IS THE USG ATTITUDE GENERALLY TOWARD SAUDI POLICY OF KEEPING JEWS OUT OF THE COUNTRY?

ANSWER: THE US ATTITUDE AGAINST DISCRIMINATION BASED ON RACE, COLOR, RELIGION, SEX OR NATIONAL ORIGIN HAS BEEN STATED ON MANY OCCASIONS. IT WAS MOST RECENTLY REITERATED BY THE PRESIDENT ON FEBRUARY 26. SUCH DISCRIMINATION IS

REPUGNANT TO US.

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MEANWHILE, WE FIRMLY BELIEVE THAT THE BEST HOPE FOR PROGRESS IN ELIMINATING THESE DISCRIMINATORY MEASURES LIES IN ACHIEVING A JUST AND LASTING SETTLEMENT IN THE MIDDLE EAST WHICH, AS YOU KNOW, IS A PRIMARY OBJECTIVE OF OUR GOVERNMENT.

D. QUESTION: WHAT WOULD BE YOUR VIEW OF LEGISLATION THAT WOULD BE EFFECTIVE IN COUNTERING THE BOYCOTT?

ANSWER: I DO NOT THINK IT WOULD BE APPROPRIATE FOR ME TO COMMENT ON LEGISLATIVE PROPOSALS THAT HAVE NOT BEEN SUBMITTED TO THE EXECUTIVE BRANCH FOR COMMENT.

WE HAVE FELT, HOWEVER, THAT ECONOMIC SANCTIONS AGAINST ARAB STATES APPLYING THE BOYCOTT AGAINST GIVEN FIRMS WOULD BE LARGELY INEFFECTIVE IN THE ABSENCE OF CONCERTED ACTION BY THE OTHER INDUSTRIALIZED STATES WHICH SUPPLY THE NEEDS OF THE ARAB COUNTRIES. SUCH MEASURES WOULD PROBABLY ALSO PROVOKE COUNTERMEASURES WHICH COULD BE DETRIMENTAL NOT ONLY TO OVERALL US ECONOMIC AND COMMERCIAL INTERESTS BUT ALSO TO THE US ROLE AS PEACEMAKER IN THE AREA; THE OVERALL EFFECT COULD THUS BE TO EXTEND A RESOLUTION OF THE BOYCOTT ISSUE FURTHER INTO THE FUTURE.

E. QUESTION: DON'T ARAB COUNTRIES IN THEIR VISA APPLICATION FORMS ASK FOR THE RELIGIOUS AFFILIATION OF THE APPLICANT AND IS THIS NOT THE BASIS FOR REFUSING VISAS IF THEY REFLECT JEWISH AFFILIATION?

ANSWER: MANY ARAB GOVERNMENTS REQUIRE A STATEMENT OF RELIGIOUS CONVICTION ON THEIR VISA APPLICATION FORMS. SOME ARAB GOVERNMENTS HAVE A RESTRICTIVE POLICY REGARDING ISSUANCE OF VISAS TO APPLICANTS WHO AFFIRM THAT THEIR RELIGION IS JEWISH. WHEN REQUESTED, THE DEPARTMENT HAS TAKEN UP VISA PROBLEMS ON THESE GROUNDS WITH THE GOVERNMENT IN QUESTION.

F. QUESTION: WHY DO WE HAVE TO WORRY ABOUT SAUDI ARABIA IN THE MIDDLE EAST? THE SAUDIS SEEM TO NEED US MORE THAN WE NEED THEM. THEY ARE BENEFITTING FROM SELLING US HIGHER PRICED OIL AND ARE OBTAINING THE BENEFITS OF OUR TECHNICAL ASSISTANCE. WHY SHOULD WE NOT BE TOUGH WITH THEM ON THIS
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ISSUE OF DISCRIMINATION?

ANSWER: THE ISSUE IS NOT AS CLEAR AS THE QUESTION WOULD SUGGEST. IT IS TRUE THAT SAUDI ARABIA IS BENEFITTING FROM OUR ASSISTANCE, BUT WE SEE IMPORTANT RECIPROCAL ADVANTAGES IN OUR RELATIONSHIP. THE US HAS MAJOR INTERESTS IN THE MIDDLE EAST. OUR RELATIONS WITH SAUDI ARABIA CONSTITUTE AN IMPORTANT PART OF THOSE INTERESTS AND ARE PRESENTLY OF CRITICAL IMPORTANCE TO US. SAUDI ARABIA HAS BEEN AN IMPORTANT MODERATING FACTOR IN TWO CRUCIAL AREAS WHERE OUR GLOBAL INTERESTS ARE AT STAKE: OPEC AND THE US MIDDLE EAST PEACE EFFORTS. IT HAS BEEN A MODERATING ELEMENT IN OIL COUNCILS, IN THE FACE OF SOME WHO ADVOCATED MORE RADICAL STEPS. AND SAUDI ARABIA HAS BEEN AN

IMPORTANT SUPPORTER OF THE CURRENT EFFORTS TO RESOLVE THE ARAB-ISRAELI DISPUTE BY A SUCCESSION OF STEPS THAT LEAD THE WAY TO PEACE. APART FROM THESE MATTERS, THERE ARE CONSIDERABLE COMMERCIAL AND FINANCIAL REASONS FOR US TO MAINTAIN GOOD RELATIONS AND TO PROMOTE COOPERATION BETWEEN OUR TWO COUNTRIES.

G. QUESTION: EVERYTHING YOU HAVE SAID HERE -- ABOUT STATE DEPARTMENT POLICY -- SEEMS TO ME TO BOIL DOWN TO A WISHY-WASHY ACCOMMODATION ON THE PART OF THE EXECUTIVE BRANCH WITH POLICIES AND PRACTICES WHICH ARE REPUGNANT TO ME AND TO MOST AMERICANS. HOW CAN YOU PERSONALLY RECONCILE YOUR OWN SWORN COMMITMENT TO UPHOLD THE PRINCIPLES OF OUR CONSTITUTION WITH YOUR PARTICIPATION IN THESE SHODDY PRACTICES?

ANSWER: THERE IS NOTHING IN WHAT I HAVE SAID, OR WHAT I HAVE PERSONALLY DONE, WHICH IMPLIES IN ANY WAY ACCEPTANCE OF OR ACQUIESCENCE IN THE BOYCOTT POLICIES AND DISCRIMINATORY PRACTICES WHICH WE ARE DISCUSSING. I DEPLORE ALSO THE THREAT OF HOSTILITIES IN THE MIDDLE EAST, AND THE FACT THAT WE LIVE IN THE EVER-PRESENT DANGER THAT CONFLICT THERE COULD AT ANY TIME PLUNGE THE AREA, AND THE WHOLE WORLD, INTO A CONFLAGRATION. MY SWORN DUTY TO UPHOLD THE CONSTITUTION REQUIRES MANY THINGS, AND SECOND TO NONE IS THE OBLIGATION TO DO EVERYTHING IN MY POWER
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TO PRESERVE THE SECURITY AND WELL-BEING OF THIS NATION. IT IS MY JUDGMENT THAT MAINTENANCE OF A SERIOUS AND CONSTRUCTIVE DIALOGUE WITH THE ARAB NATIONS IS ESSENTIAL TO THAT FINAL OBJECTIVE, BECAUSE OF THE PART THEY HAVE TO PLAY IN PREVENTING A NEW WAR. (AND THAT IS ASIDE FROM OTHER STRONG REASONS TO MAINTAIN CLOSE AND FRIENDLY RELATIONS WITH THEM.) WE HAVE MAINTAINED RELATIONS WITH VARIOUS NATIONS WHOSE OWN PRACTICES AND PRINCIPLES WERE REPUGNANT TO AMERICAN PRINCIPLES IN ONE ASPECT OR

ANOTHER. WE ARE OFTEN FACED IN AN IMPERFECT WORLD,
UNFORTUNATELY, WITH THE CHOICE OF ACTING OUT OF PURE
PRINCIPLE (AS WE WOULD LIKE) OR IN ACCORDANCE WITH THE
PRACTICAL POSSIBILITIES BEFORE US. PUT ANOTHER WAY,
SHOULD WE DEAL WITH ONLY THOSE NATIONS OF THE WORLD WHICH
SUBSCRIBE TO PRINCIPLES AND PRACTICES LIKE OUR OWN, OR
SHOULD WE PURSUE AN ACTIVE POLICY IN SEARCH OF PEACE AND
BENEFICIAL BILATERAL RELATIONSHIPS IN THE WORLD, RECOGNIZ-
ING THAT THE ACT OF SO DOING MAY BRING US FACE-TO-FACE
WITH PRACTICES WHICH ARE OFFENSIVE TO OUR OWN STANDARDS?
IT INVOLVES THE ISSUE OF SOVEREIGN PREROGATIVES OF EACH
NATION IN AN INCREASINGLY INTERDEPENDENT WORLD. BUT EVEN
IN AN IMPERFECT WORLD, THERE IS NO QUESTION THAT WE NEED

TO KEEP OUR OWN PRINCIPLES INTACT IN THE PROCESS OF DEALING
WITH OTHER NATIONS. END QUOTE. INGERSOLL

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